

**STATEMENT OF LESLIE A. C. WELDON
DEPUTY CHIEF, NATIONAL FOREST SYSTEM
U.S. FOREST SERVICE
UNITED STATES DEPARTMENT OF AGRICULTURE**

**BEFORE THE UNITED STATES HOUSE OF REPRESENTATIVES
COMMITTEE ON NATURAL RESOURCES
SUBCOMMITTEE ON NATIONAL PARKS, FORESTS AND PUBLIC LANDS
APRIL 17, 2012
CONCERNING**

**H.R. 4073, to Authorize the Secretary of Agriculture to Accept the Quitclaim, Disclaimer
and Relinquishment of a Railroad Right-of-Way within and Adjacent to the Pike National
Forest in Colorado**

Mr. Chairman and members of the Subcommittee, thank you for the opportunity to appear before you today and provide the Department of Agriculture's views regarding H.R. 4073.

The Department supports H.R. 4073, which would authorize the Secretary to accept the quitclaim, disclaimer and relinquishment by the Manitou and Pikes Peak Railway Company of a right-of-way in the Pike National Forest in Colorado. The right-of-way was originally granted for a scenic railroad for tourists, but the railway company ceased operating the tramway years ago. Now it's a popular route for hikers to climb Pike's Peak, although this use is unauthorized. The Manitou and Pikes Peak Railway Company has sought to abandon the right-of-way. Previously they issued the quitclaim, disclaimer and relinquishment but it is without effect because the Act of March 8, 1922 requires either an Act of Congress or declaration by a court of competent jurisdiction to effect an abandonment. H.R. 4073 would remove this impediment, allowing the right-of-way to return to the National Forest System. The Forest Service would then issue an authorization to an outside party for management as a hiking trail.

Based on survey work completed in 2011, it has been determined that the legal description used in the original quitclaim deed (and incorporated into section 1(b)) did not include all portions of the right-of-way. Acceptance of that deed will not terminate the easement in its entirety. We would like to work with the Committee to address this concern.

This concludes our testimony and I would be happy to answer any questions that you may have.